

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Atty Dkt. 1721-21

C# M#

GABERT

Group Art Unit: 1637

Serial No. 09/530,363

Examiner: Spiegler

Filed: May 1, 2000

Date: September 25, 2002

Title: METHOD FOR DIAGNOSING IN VITRO PATHOLOGIES ASSOCIATED WITH  
GENE ARRANGEMENTS AND DIAGNOSIS KITSAssistant Commissioner for Patents  
Washington, DC 20231

RECEIVED

SEP 30 2002

TECH CENTER 1600/2900

Sir:

**RESPONSE/AMENDMENT/LETTER**

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

**Fees are attached as calculated below:**

Total effective claims after amendment 0 minus highest number  
previously paid for 20 (at least 20) = 0 x \$ 18.00 \$ 0.00

Independent claims after amendment 0 minus highest number  
previously paid for 3 (at least 3) = 0 x \$ 84.00 \$ 0.00

If proper multiple dependent claims now added for first time, add \$280.00 (ignore improper) \$ 0.00

Petition is hereby made to extend the current due date so as to cover the filing date of this  
paper and attachment(s) (\$110.00/1 month; \$400.00/2 months; \$920.00/3 months) \$ 1440.00

Terminal disclaimer enclosed, add \$ 110.00 \$ 0.00

☐ First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$740.00) \$ 0.00  
☐ Please enter the previously unentered, filed  
☐ Submission attached

**Subtotal \$ 1440.00**

☐ Less one-month extension fee previously paid on June 25, 2002 -\$ 110.00  
Rule 56 Information Disclosure Statement Filing Fee (\$180.00) \$ 0.00

Assignment Recording Fee (\$40.00) \$ 0.00

Other: Request for Continued Examination (RCE) Transmittal (attached)

**TOTAL FEE ENCLOSED \$ 1330.00**

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

1100 North Glebe Road, 8<sup>th</sup> Floor  
Arlington, Virginia 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100  
BJS:plb

NIXON & VANDERHYE P.C.  
By Atty: B. J. Sadoff, Reg. No. 36,663

Signature: 

09/26/2002 RHARIS1 00000012 09530363

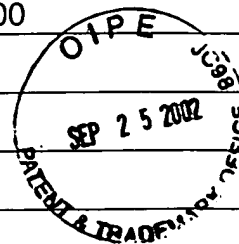
02 FC:118

1330.00 0P

# REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995  
See The American Inventors Protection Act of 1999 (AIPA).

Application Number 09/530,363 10/9  
Filing Date May 1, 2000  
First Named Inventor GABERT  
Group Art Unit 1637  
Examiner Name Spiegler  
Attorney Docket Number 1721-21



This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

## 1. Submission required under 37 C.F.R. § 1.114

- a. ☒ Previously submitted  
i. ☒ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on June 25, 2002  
(Any unentered amendment(s) referred to above will be entered)  
ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_  
iii. ☐ Other \_\_\_\_\_  
b. ☒ Enclosed  
i. ☐ Amendment/Reply  
ii. ☐ Affidavit(s)/Declaration(s)  
iii. ☐ Information Disclosure Statement (IDS)  
iv. ☒ Other Extension Petition and Extension Fees (\$1,330.00) \_\_\_\_\_

RECEIVED

SEP 30 2002

TECH CENTER 1600/2900

## 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 35 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)  
b. ☐ Other \_\_\_\_\_

## 3. Fees

The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 14-1140 09/26/2002 RHARIS1 00000012 09530363  
i. ☒ RCE fee required under 37 C.F.R. § 1.17(e) 01 FC:179 740.00 0P  
ii. ☒ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)  
iii. ☐ Other \_\_\_\_\_  
b. ☒ Check in the amount of \$740.00 enclosed  
c. ☐ Payment by credit card (For PTO-2038 enclosed)

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print Type)	B. J. Sadoff	Registration No. (Attorney/Agent)	36,663
Signature		Date	September 25, 2002

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on:

Name (Print Type)		Date	
Signature			

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Assistant commissioner for Patents, Box RCE, Washington, DC 20231.